

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 337

AN ACT Relating to Number of Lobster Traps on Trawls in Certain Tidal Waters.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 37-A, §§ 74-B - 74-C, additional. Chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended by adding 2 new sections to be numbered 74-B and 74-C, to read as follows:

'Sec. 74-B. Lobster traps on trawls in Saco Bay, Cumberland County. It is unlawful to have on any trawl more than 3 lobster traps on one warp and buoy in that part of Saco Bay west of a line running 150° true from the center of Spurwink River in Scarborough.

Sec. 74-C. Lobster traps on trawls in certain tidal waters. It is unlawful to have on any trawl more than 3 lobster traps on one warp and buoy in that part of the tidal waters of the State easterly from a line running true south from Pemaquid Point Light, Lincoln County, to a line true south from Owl's Head Light, Knox County.'

Effective September 16, 1961

Chapter 338

AN ACT Amending the Time Limitation on Statute Repealing the Two Inch Clam Law.

Be it enacted by the People of the State of Maine, as follows:

P. L., 1959, c. 354, § 3, amended. Section 3 of chapter 354 of the public laws of 1959 is amended as follows:

'Sec. 3. Effective date. This act shall become effective March 1, 1960 and remain in effect until January 1, ~~1962~~ 1964.'

Effective September 16, 1961

Chapter 339

AN ACT Revising the Laws Relating to Auctioneers.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 100, § 84, repealed and replaced. Section 84 of chapter 100 of the Revised Statutes, as amended by section 1 of chapter 378 of the public laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 84. Resident auctioneers licenses. Every resident person in the State desiring to do business as an auctioneer in the State who is over 21 years of age,

submits evidence of good moral character and satisfies the Secretary of State, or an agent designated by him, that he has knowledge of the laws of this State pertaining to auctions and sales, the ethics and practices of auctioneers and such other related subject as the Secretary of State may select, upon application in form designated by the Secretary of State and by payment of \$15, shall receive a one-year license to conduct auctions. Said license shall be renewed annually upon payment of a fee of \$10. In addition, any municipality may require a local license to hold auctions therein of more than 3 days duration upon payment of a local license fee not to exceed \$10.'

Sec. 2. R. S., c. 100, § 85, amended. The first paragraph of section 85 of chapter 100 of the Revised Statutes is repealed and the following enacted in place thereof:

'Every nonresident person desiring to do business as an auctioneer in this State must obtain an auctioneer's license. The Secretary of State may issue a license to any nonresident auctioneer duly licensed as an auctioneer in the State in which he resides without an examination; provided such other state permits an auctioneer's license to be issued to a licensed resident auctioneer of this State without examination, upon compliance with the following requirements:

I. Proof. The applicant shall furnish proof to the Secretary of State that he is licensed to conduct auctions in the state in which he resides.

II. Bond. The applicant shall file with the Secretary of State an approved surety company bond conditioned upon satisfying any judgment for damages sustained by any person arising out of any auction to be conducted by him. The penal sum of such bond shall be at least \$2,000. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the penal sum of such bond. The surety on any such bond may cancel such bond upon giving 30 days' notice to the Secretary of State and thereafter shall be relieved of liability for any breach of conditions occurring after the effective date of said cancellation. This bond provision may be waived if the applicant deposits with the Secretary of State cash security in a like amount.

III. Fee. The applicant shall pay an initial license fee of \$50.'

Sec. 3. R. S., c. 100, § 86-A, additional. Chapter 100 of the Revised Statutes is amended by adding a new section 86-A, to read as follows:

'Sec. 86-A. Revocation or suspension; appeal. The Secretary of State upon complaint, notice and hearing may revoke or suspend any license after proof that the licensee has been convicted of a crime involving moral turpitude; has failed, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others, or committed any other act of a dishonest or fraudulent nature.

Any person who is aggrieved by any act of the Secretary of State under this chapter shall have the right to appeal to the Superior Court in Kennebec County.'

Sec. 4. R. S., c. 100, § 89, amended. The last paragraph of section 89 of chapter 100 of the Revised Statutes is repealed.

Sec. 5. R. S., c. 100, § 90, amended. Section 90 of chapter 100 of the Revised Statutes is amended to read as follows:

'Sec. 90. Return of bond or cash security; limitation of action. If any licensee shall desire to surrender his license or shall desire not to renew the same, he may so notify the Secretary of State, who, at the end of one year from the date thereof, shall return to such licensee his ~~deposit of \$100 surety company bond or cash security~~, and the right to make service of any legal process upon the Secretary of State, as ~~hereinbefore~~ provided, shall then terminate.'

Sec. 6. R. S., c. 100, § 92-A, additional. Chapter 100 of the Revised Statutes is amended by adding a new section 92-A, to read as follows:

'Sec. 92-A. Penalty. Whoever, without an auctioneer's license, represents himself to be a licensed auctioneer or conducts any auction sale in this State, shall be punished by a fine of not more than \$200.'

Effective September 16, 1961

Chapter 340

AN ACT Relating to Speed of Commercial Vehicles and School Buses.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 22, § 113, sub-§ II, ¶ F, repealed and replaced. Paragraph F of subsection II of section 113 of chapter 22 of the Revised Statutes, as last amended by section 2 of chapter 149 of the public laws of 1959, is repealed and the following enacted in place thereof:

'F. School buses shall not be operated at a speed in excess of 45 miles per hour, except that when used for purposes of an educational trip or for transporting pupils to and from any extra-curricular activity a school bus may be operated at a speed not exceeding 50 miles per hour;'

Sec. 2. R. S., c. 22, § 113, sub-§ II, ¶ F-1, additional. Subsection II of section 113 of chapter 22 of the Revised Statutes, as amended, is further amended by adding after paragraph F, a new paragraph F-1, to read as follows:

'F-1. Speed of commercial vehicles, registered for over 6,000 pounds, shall be the same as for pleasure vehicles.'

Sec. 3. R. S., c. 22, § 113-B, amended. The next to the last sentence of the first paragraph of section 113-B of chapter 22 of the Revised Statutes, as last repealed and replaced by section 12 of chapter 378 of the public laws of 1959, is amended to read as follows:

'The State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall have authority to increase the speeds of all motor vehicles at any and all points on the highway where, in their opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for ~~pleasure~~ vehicles, except on the interstate system such increased speed shall not exceed 70 miles per hour for ~~pleasure~~ vehicles and 50 miles per hour for ~~commercial vehicles registered for over 6,000 pounds or school buses, conveying children to and from school or a school event.~~

Effective September 16, 1961